

Sec. 13-75. Dumpsters.

(a) *Intent.* It is the intent of this section to regulate the location and construction of bulk container enclosures in a manner that promotes the public health and safety and lessens or otherwise mitigates the visual impact of such bulk containers upon the community. A "dumpster" is a bulk container or receptacle with a capacity exceeding one (1) cubic yard, the purpose of which is the temporary storage and disposal of garbage, trash and any form of waste materials, not including hazardous or infectious wastes.

(b) *Placement.*

(1) A dumpster shall be placed for collection purposes in a location easily accessible to authorized collection vehicles. It shall also be placed within an approved enclosure as required below in subsection (c).

(2) A dumpster may be removed from its approved enclosure or location no earlier than twenty-four (24) hours prior to collection. The dumpster shall be returned to its approved enclosure or location on the same day that it has been serviced for collection.

(3) Dumpster use is prohibited for any residential unit(s) or multifamily building containing four (4) or less dwelling units.

(c) *Applicability.*

(1) *Where required.* Any of the following uses using dumpsters shall provide on-site enclosures:

a. Any residential or nonresidential development requiring site plan review.

b. Any existing multifamily residential use (excluding townhouse uses) containing ten (10) or more units.

c. Any existing nonresidential use containing fifteen (15) or more existing on-site parking spaces.

(2) *Exemptions from enclosure requirements.* Owners of the following systems are not required to provide on-site enclosures:

a. Dumpster or trash compaction systems which are in use on the effective date of this section, which are not visible from any adjacent property.

b. Trash compaction systems approved pursuant to site plan review.

(3) *Minimum size.* Each enclosure shall provide a minimum ten-foot interior length and width subject to the following additional requirements. Each enclosure shall provide a minimum of twelve (12) inches of clear space between each side of the dumpster (including lifting flanges) and the adjacent wall surface of that enclosure, or any other dumpsters within that same enclosure. The dumpsters shall not exceed five (5) feet five (5) inches in height. The enclosure shall be six (6) feet in height; provided, however, that "industrial" zoned properties shall be permitted dumpsters up to seven (7) feet in height, provided the enclosures must be seven (7) feet six (6) inches in height.

(4) *Service access.* Placement of dumpsters and enclosures shall be planned and constructed in a manner that allows unobstructed access to each dumpster and the unobstructed opening of the gates during the disposal process. Dumpsters shall not be located in such a manner that the service vehicle will block any roadway designated on the Broward County Trafficway Plan during the disposal process.

(5) *Gates.* All enclosures shall have gates and their construction shall be of sturdy metal frame and hinges with an opaque facing material consisting of wood or other solid material. Metal or plastic slats inserted in chain link shall be prohibited. Servicing gates

shall incorporate gate stops and latches that are functional in the full open and closed positions. Gates that swing out from the container shall be set back from the property line at least a distance equal to the width of the gate. Hinge assemblies shall be strong and durable so that access and servicing gates function properly and do not sag.

(6) *Maze-style pedestrian access.* Maze-style pedestrian openings are required for new nonresidential development. A maze-style opening is an opaque wall or fence that can be located no more than forty-eight (48) inches and no less than thirty-six (36) inches from the enclosure opening. The enclosure opening shall be no more than forty-eight (48) inches and no less than thirty-six (36) inches in width.

(7) *Pads and service drives.* All enclosures shall be placed on poured concrete, solid or perforated interlocking concrete block paving (ICB), or any existing hardened paving system. A service access drive for the purpose of disposing of the contents of a dumpster shall also be provided unless a hard surface that provides access to the dumpster already exists.

(8) *Garbage containers.* All receptacles and bulk containers which temporarily store garbage, liquid waste or food from food handling operations including, but not limited to, bakeries, meat processing plants, or any business establishment where it is determined that garbage, liquid waste, or food will be accumulated, shall provide a raised concrete slab, a drain, and cleaning water facilities for such receptacles and containers and shall be constructed in accordance with the provisions of the Florida Building Code.

(9) *Maintenance.* Approved enclosures shall be maintained in good condition and appearance at all times. Gates and latches shall be kept fully operable and shall be closed except during scheduled collection periods. Enclosures and containers shall be cleaned periodically to prevent noxious or offensive odors and unsanitary conditions from occurring. Enclosure pads and access drives shall be repaired or rebuilt whenever the pavement structure deteriorates.

(10) *Dumpster .* The dumpster shall include a top-loaded cover which shall remain closed at all times except when in use. No garbage, refuse, or waste may be located anywhere on the site except in a dumpster designed and approved for such temporary storage purpose.

(d) *Materials and construction methods.* Enclosures for new construction shall be constructed of masonry or stucco concrete block painted to match the color of the principal building(s). Enclosures for existing development shall be constructed of masonry, stucco concrete block, durable opaque PVC or any combination of these elements. Gates shall be constructed of opaque materials in the manner provided in subsection (c)(5), above.

(e) *Location requirements.* The location of enclosures for new construction or additions requiring site plan review shall be determined pursuant to the site plan review process. The location of enclosures for uses not requiring site plan review shall be determined by the community development director or designee pursuant to the following requirements upon submission of a site plan or survey showing the location of the building, the number and location of living units, lot size, existing and proposed landscaping, the number and location of parking spaces, the location, service frequency and capacity of the existing and proposed dumpsters:

(1) *Existing landscape areas.* Existing landscaping may be removed to accommodate the enclosure if there is no other feasible location to place the enclosure on site.

(2) *Shared between adjoining properties.* Enclosures for one (1) or more dumpsters may be located along or across adjoining property lines, and may serve two (2) or more adjacent properties, if affected property owners enter into a recorded restrictive covenant providing for perpetual joint use and maintenance of the enclosure.

(3) *Within parking areas.* Enclosures may be located within or immediately adjacent to parking areas, regardless of building setback lines. The applicant shall be permitted to

reduce the total number of provided spaces by two (2) if shown to be necessary to provide space for the enclosure.

(4) Enclosures located in nonresidential zoning districts shall provide the following setbacks:

- i. Ten (10) feet from any residentially zoned or used property.
- ii. Five (5) feet from any nonresidentially zoned property.
- iii. Twenty-five (25) feet from any street.
- iv. Twenty-five (25) feet from any residential unit.

The community development director may reduce setback requirements for an existing development if there is no other feasible location for the enclosure.

(5) Enclosures located in residential zoning districts shall be located no further than one hundred fifty (150) feet from any on-site dwelling unit (new development only).

(6) Enclosures located in residential zoning districts shall be set back at least twenty-five (25) feet from any on-site dwelling unit or outdoor recreation area (new development only).

(7) When dumpsters are to be serviced from an alley, enclosures shall be angled thirty (30) degrees and recessed off the alley approximately six (6) feet (recessing the enclosure is necessary so that gates do not open into the alley so as to obstruct traffic and so that adequate sight distance can be preserved).

(f) *Appeal to the city commission.* If the property owner wishes to waive the requirement for a dumpster enclosure an appeal may be made to the city commission. Appeals to the city commission shall be in accordance with section 2-13 of the City Code of Ordinances.

(1) *Who may file.* The owner of a tract of land or a duly authorized agent.

(2) *Where to file.* Applications shall be filed with the community development department on forms furnished by the department.

(3) *Nonrefundable appeal/waiver fee.* Five hundred dollars (\$500.00), payable upon submission of an application.

(4) *Submittal requirements.* Applications shall contain the following documentation:

a. A site plan or survey showing the location of the building, the number and location of living units, lot size, existing and proposed landscaping, the number and location of parking spaces, and the location, service frequency and capacity of the existing and proposed dumpster containers.

b. A typewritten narrative of alternate waste disposal and other trash management options considered or available and the reasons why those options are not feasible, suitable or desirable for the location in question.

(5) *Decision of the city commission.* If the city commission grants the appeal, the commission may require the applicant to observe certain conditions such as providing additional landscaping on the site, or a specific placement or orientation of the enclosure on the site may be required. The action of the city commission shall be based upon consideration of the following factors:

- a. Impact on abutting properties;
- b. Whether the applicant's proposal adequately serves the goals and intent of this section; and
- c. Site limitations relating to size, dimensions, or parking.

(g) *Appeal to the community development director.* If the property owner wishes to modify dumpster enclosure requirements relating to enclosure location, setbacks, size, material, or color, an appeal may be made to the community development director.

(1) *Who may file.* The owner of a tract of land or a duly authorized agent.

(2) *Where to file.* Applications shall be filed with the community development department on forms furnished by the department.

(3) *Nonrefundable waiver fee.* Two hundred dollars (\$200.00), payable upon submission of an application.

(4) *Submittal requirements.* A site plan or survey showing the location of the building, the number and location of living units, lot size, existing and proposed landscaping, the number and location of parking spaces, and the location, service frequency and capacity of the existing and proposed dumpster containers.

(5) *Decision of the community development director.* If the community development director grants the waiver, the director may require the applicant to observe certain conditions such as providing additional landscaping on the site, or a specific placement or orientation of the enclosure on the site may be required. The action of the director shall be based upon consideration of the following factors:

a. Impact on abutting properties;

b. Whether the applicant's proposal adequately serves the goals and intent of this section; and

c. Site limitations relating to size, dimensions, or parking.

(h) *Amortization.* Existing nonconforming dumpsters shall be brought into compliance with the enclosure requirements of this section by December 31, 2008.

(Ord. No. 2006-021, § 1, 6-13-06)